

## **FINAL AGENDA**

**REVISIONS:**  
**ITEM 15 PULLED PER PROP. MANAGEMENT**  
**ITEM 48 PULLED PER COUNCIL/MANAGER**

### **CITY COUNCIL CITY OF WICHITA KANSAS**

City Council Meeting  
9:00 A.M. June 20, 2006

City Council Chambers  
455 North Main

#### **ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the June 13, 2006 regular meeting

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#### **AWARDS AND PROCLAMATIONS**

- Proclamations:
- Recognition of Sister Cities Student Ambassadors to Orleans, France.

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#### **PUBLIC AGENDA**

1. Bill Ramsey-Parking Meters on South Emporia.
2. Chris Owen-Removal of all metered parking from 200 South block of Market Street.
3. Sena Peden-Sunflower Community Action-Video Cameras in police cars.
4. Rickie Coleman-Sunflower Community Action-Concerns with Payday and Car Title Lenders.

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CONSENT AGENDA

5. Report of the Board of Bids and Contracts Dated June 19 , 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

6. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Vasant Patel	Food Mart	7101 East Lincoln
<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Kashif A. Khan	S&Z Group Inc.	802 North West Street

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

7. Preliminary Estimates:

- a) Storm Water Drain #288 to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (468-84143/751416/485307) Does not affect existing traffic. (District II) - \$411,000.
- b) Water Distribution System to serve Auburn Hills 16th Addition - south of Maple, west of 135th Street West. (448-90122/735316/470987) Does not affect existing traffic. (District V) - \$209,000.
- c) Rosewood from the east line of Brookhaven to the west line of Lot 16, Block 4; Hazel Nut from the east line of Lot 28, Block 4 to the west line of Rosewood; Hazel Nut Circle from the east line of Rosewood to and including the cul-de-sac (Lots 26 through 31, Block 1); Rosewood Court from the west line of Rosewood to and including the cul-de-sac (Lots 21 through 26, Block 4) to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (472-84367/765980/490095) Does not affect existing traffic. (District II) - \$289,000.
- d) The cost of construction of Lateral 1, Main 10, Northwest Interceptor Sewer to serve Northwest YMCA Addition - north of 21st Street North, west of 135th Street West. (District V) (468-83957/744111/480-799) – Total Estimated Cost \$94,536.
- e) The cost of construction of Lateral 7, Main 26, War Industries Sewer to serve Regency Park 3rd Addition - south of 29th Street North, west of Greenwich Road. (District II) (468-84035/744133/480-821) – Total Estimated Cost \$53,530.
- f) The cost of construction of Storm Water Drain #250 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (District II) (468-83950/751394/485-285) – Total Estimated Cost \$292,900.
- g) The cost of construction of Storm Water Drain #199 to serve Woodland Lakes Estates 3rd Addition - north of Harry, west of 127th Street East. (District II) (468-83592/751393/485-284) – Total Estimated Cost \$431,360.

(Item 7 continued)

- h) The cost of construction of Lateral 5, Main 19, Southwest Interceptor Sewer to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge Road. (District V) (468-83451/744139/480-827) – Total Estimated Cost \$302,450.
- i) The cost of construction of Storm Water Sewer #615 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (District V) (468-83998/751399/485-290) – Total Estimated Cost \$147,630.
- j) The cost of construction of Storm Water Sewer #617 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (District II) (468-84029/751404/485-295) – Total Estimated Cost \$106,220.

RECOMMENDED ACTION: Receive and file.

8. Petitions for Public Improvements:

- a) Construct a Storm Water Drain in Clifton Cove Addition, south of 63<sup>rd</sup> Street South, west of Clifton. (District III)
- b) Drainage Improvements in Fontana and Fontana Second Additions, north of 29<sup>th</sup> Street North, east of 19<sup>th</sup> Street West. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

9. Minutes of Advisory Boards/Commissions:

District III Advisory Board, February 1, 2006 Revised May 11, 2006  
Deferred Compensation Board Quarterly Meeting, February 9, 2006  
Wichita Employees' Retirement Board, February 22, 2006  
Board of Electrical Appeals, March 14, 2006  
Police & Fire Retirement Board, March 22, 2006  
Wichita Airport Advisory Board, April 3, 2006  
Board of Code Standards and Appeals, April 3, 2006  
District V Advisory Board, April 3, 2006  
Wichita Employees' Police & Fire Retirement Board, April 6, 2006  
Wichita Employees' Police & Fire Retirement Board, April 10, 2006  
Housing Advisory Board, April 19, 2006  
Public Library Monthly Report, April 2006  
District II Advisory Board, May 1, 2006  
Wichita Public Library Board, May 16, 2006

RECOMMENDED ACTION: Receive and file.

10. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

11. (Left blank intentionally due to Report not being available by deadline)

12. Agreements/Contracts:

- a) 13<sup>th</sup> Street North from 135<sup>th</sup> Street to 119<sup>th</sup> Street West. (District V)-supplemental.
- b) Main 4, Northwest Interceptor Sewer, east and west of 135<sup>th</sup> Street West, south of 21<sup>st</sup> Street. (District V)
- c) A parking lot for the Planeview Park Football Area, east of Oliver, north of 31<sup>st</sup> Street South. (District III)-supplemental.
- d) Microfilm Services Contract.
- e) Environmental Monitoring for the Gilbert & Mosley Remediation Project. (Districts I, III and VI)-supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

13. Design Services Agreements:

- a) Water Main to Rock Road and K-254 with a Master Metering Station. (District II)
- b) Powells-Water Main Replacement, west of St. Francis, north of 13<sup>th</sup> Street. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

14. Change Orders:

- a) Equus Beds Aquifer Storage and Recovery Project Phase I.
- b) Kellogg-Woodlawn Interchange. (District II)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

(Item 15)

15. Property Acquisition: Partial Acquisition of land for right-of-way in the 7800 block of West 37<sup>th</sup> Street North. (District V)

(PULLED--ITEM WAS SUBMITTED TWICE, APPROVED JUNE 13, 2006)

16. Repair or Removal of Dangerous and Unsafe Structures. (District I)

	Property Address:	Council District:
a)	1255 North Poplar	I
b)	1258 North Green	I
c)	1718 North Green	I
d)	2145 East Shadybrook	I
e)	1626 North Oliver	I

RECOMMENDED ACTION: Adopt the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing body on August 1, 2006 at 9:30 a.m. or soon thereafter.

17. Closing Documents for Railbanking of BNSF Right-of-Way from Hydraulic Avenue to Butler County Line.

RECOMMENDED ACTION: Authorize the Mayor to sign the closing documents in accordance with the April 18, 2005, Railbanking and Donation Contract.

18. General Obligation Bond and Note Sale.

RECOMMENDED ACTION: Adopt the resolution authorizing general obligation bond and note sales, approve the submittal of the Preliminary Official Statement upon completion and authorize publication of the Notices of Sale.

19. HOME CHDO Housing Development Funding Agreements. (Districts I, III, IV, V, VI)

RECOMMENDED ACTION: Approve the HOME funding agreements for MHRS, CHS and Power CDC, the new funding agreement for the Boarded-up House Program, the contract amendments for the CHS and Boarded-up House prior-year funding agreements and authorize the necessary signatures.

20. HUD EDI Special Purpose Grant-WaterWalk. (District I)

RECOMMENDED ACTION: Approve the grant application and authorize the necessary signatures.

21. Allocation of HOME Funding.

RECOMMENDED ACTION: Approve the allocation of HOME funding and authorize the necessary signatures.

22. Lease of space at Evergreen Recreation Center to USD 259. (District VI)

RECOMMENDED ACTION: Approve the Lease Agreements and authorize the necessary signatures.

23. Approval of the Great Plains Nature Center, Memorandum of Agreement between the U.S. Fish and Wildlife Service, the Kansas Department of Wildlife and Parks and the City of Wichita. (District I)

RECOMMENDED ACTION: Approve the Memorandum of Agreement and authorize the necessary signatures.

24. Purchase Option, Integrated Healthcare Systems, Inc. (District II)

RECOMMENDED ACTION: Adopt the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement and authorize the necessary signatures.

25. Memorandum of Understanding with the Mental Health Association.

RECOMMENDED ACTION: Approve the Memorandum of Understanding and authorize the necessary signatures.

26. Labor Negotiations Consultant Legal Services.

RECOMMENDED ACTION: Select the team of McAnany, VanCleave and Phillips Law Firm and Frank Ojile as the City's Labor Negotiation Consultant and authorize staff to negotiate an Agreement for Professional Services to be returned to the Council for approval.

27. Second Reading Ordinances: (First read June 13, 2006)

- a) Creation of Chapter 3.11 to establish a process for permitting special events, amendments to Sections 9.04.030 and 9.04.190 regarding community events in city parks and amendments to Sections 10.04.130, regarding street usage to allow obstructions associated with approved community events.
  - 1. An Ordinance creating Chapter 3.11 of the Code of the City of Wichita, Kansas, pertaining to community events.
  - 2. An Ordinance amending Sections 9.04.030, and 9.04.190 of the Code of the City of Wichita, Kansas, pertaining to conduct in parks and repealing the originals of 9.04.030, and 9.04.190.
  - 3. An Ordinance amending Section 10.04.130 of the Code of the City of Wichita, Kansas, pertaining to obstructing streets and sidewalks and repealing the originals of said section.
- b) DR2005-32-Proposed Amendments to the Wichita-Sedgwick County Unified Zoning Code and Title 26 of the Code of the City of Wichita pertaining to Manufactured Home Parks.
  - 1. An Ordinance providing amendments to Section III-B.d.(1), Section III-B.10.d.(4)(a), Section III-B.10.d.(4)(b), Section III-B.10.f.(2), Section III-E.1., and Section IV-A.4., and creating Section IV-B.3.a.(1) and Section VII-G.2.g. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with manufactured homes.
  - 2. An Ordinance amending 26.04.010, 26.04.020, 26.04.030, 26.04.040, 26.04.041, 26.04.060, 26.04.070, 26.04.080, 26.04.120, 26.04.135 and 26.04.200, creating Sections 26.04.035, 26.04.036, 26.04.038, 26.04.115, and 26.04.117 of the Code of the City of Wichita, Kansas, and repealing the originals of sections 26.04.010, 26.04.041, 26.04.042, 26.04.043, 26.04.060, 26.04.070, 26.04.080, 26.04.119, 26.04.120, 26.04.135 and 26.04.200, of the Code of the City of Wichita pertaining to mobile homes and mobile home park regulations.
- c) Amendments to Electrical Code, Title 19.

An Ordinance amending Sections 19.04.090, 19.08.020, 19.08.030, 19.08.180, 19.12.010, 19.16.060, 19.16.090, 19.16.100, 19.16.110, 19.22.040, 19.22.190, 19.22.240, 19.22.280, 19.24.020, 19.24.070 and 19.24.080 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; creating Section 19.08.028; repealing Sections 19.16.010, 19.16.020, 19.16.030, 19.16.040, 19.16.050, 19.16.070; all pertaining to the Electrical Code of the City of Wichita, Kansas.
- d) A06-15R - generally located northwest of 53rd Street North and Meridian Avenue. (District VI)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-15)

RECOMMENDED ACTION: Adopt Ordinances.

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NEW BUSINESS

28. Request for Letter of Intent for Industrial Revenue Bonds, Lee Aerospace, Inc. (District II)

On March 16, 1999, the City Council approved the issuance of Industrial Revenue Bonds in an amount of \$3.5 million and a five-plus-five year 100% tax exemption on bond-financed property to Lee Aerospace, Inc. Lee Aerospace is now planning to expand its plant space and requests the issuance of a six-month Letter of Intent for IRBs in the amount not-to-exceed \$2,500,000.

RECOMMENDED ACTION: Close the public hearing and approve a Letter of Intent to Lee Aerospace, Inc. for Industrial Revenue Bonds in an amount not to exceed \$2,500,000, subject to the Standard Letter of Intent Conditions for a term of six-months, and approve a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review, and authorize the necessary signatures.

29. Agreement with Wichita State University Self-Help Network to continue work with the west 21<sup>st</sup> Street North Community Development Corporation. (District VI)

Under its previously approved agreement with the City, the Self-Help Network has been assisting the West 21<sup>st</sup> Street North Community Development Corporation (CDC) Steering Committee to complete its application to the Internal Revenue Service for non-profit status, to recruit its board of directors, to develop a work program and to begin the process of securing funding beyond that, which the City has committed. That contract expired at the end of May.

RECOMMENDED ACTION: Approve the proposed agreement with the Wichita State University Self-Help Network and authorize the necessary signatures.

30. Amendments to Section 11.38.155 of the Code of the City of Wichita, Kansas, pertaining to Driving a Commercial Vehicle while Under the Influence of Alcohol and/or Drugs.

The Kansas Legislature through the passage of HB 2916 amended the penalty for Driving a Commercial Vehicle while Under the Influence of Alcohol and/or Drugs in violation of K.S.A. 8-2, 144.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

31. Creation of New Section 11.92.070 of the Code of the City of Wichita, Kansas, pertaining to Prosecution of Juvenile Traffic Offenders in Municipal Court.

In HB 2706, the Kansas Legislature expanded the definition of "traffic offense" in the traffic code to include driving without proof of insurance, thereby allowing juveniles age 14 and over who violate this provision to be prosecuted as adults in either municipal court or the district court rather than be prosecuted under the Juvenile Offenders Code.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.



32. Creation of New Section 4.04.017 and Amending Sections 4.04.025 and 4.16.130 of the Code of the City of Wichita, Kansas, pertaining to Minors Possessing, Consuming, Purchasing or Obtaining Alcoholic Beverages.

The Kansas Legislature, through the passage of HB 2916, has amended the statute prohibiting minors from the possession, consumption or purchase of alcoholic beverages, providing that a person under 21 years of age could be requested to submit to a preliminary screening breath test if a law enforcement officer has reasonable grounds to believe the person has alcohol in their body.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

33. Amendments to Sections 4.16.135 and 4.16.155 of the Code of the City of Wichita, Kansas, pertaining to Exceptions to Removal of Open Bottles of Alcoholic Liquor from the Licensed Premises of a Club or Drinking Establishment.

The Kansas Legislature, through the passage of SB 297 authorized drinking establishments and clubs to permit legal patrons to remove one or more opened containers of alcoholic liquor from the licensed premises, if such containers are the original containers and securely resealed, placed in a tamper-proof transparent bag and contains a dated receipt for the unfinished container.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

34. Creation of New Section 11.38.158 of the Code of the City of Wichita, Kansas, pertaining to Transporting an Open Container of Alcoholic Beverage.

The Kansas Legislature has combined the statutes prohibiting transporting an open container of cereal malt beverage and transporting an open container of alcoholic liquor and relocated the single statute to the state's traffic code.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

35. Amendments to Section 5.16.010 of the Code of the City of Wichita, Kansas, pertaining to Desecrating a Cemetery or Burial Place.

The Kansas Legislature increased the jurisdictional amount of the misdemeanor crime of criminal desecration.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

36. Amendments to Section 6.04.035 of the Code of the City of Wichita, Kansas, pertaining to Cruelty to Animals.

The Kansas Legislature amended K.S.A. 21-4310, Cruelty to Animals, with SB 408 ("Magnum's Law"), creating felony offenses for certain acts that have been classified as misdemeanor offenses.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

37. Amendments to Section 11.42.030 of the Code of the City of Wichita, Kansas, pertaining to Driving While License Suspended, Canceled or Revoked.

The Kansas Legislature, through the passage of SB 431 increased the penalty for Driving on a Suspended License, in violation of K.S.A. 8-262.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

38. WaterWalk Developer Agreement Amendments. (District I)

In September 2002, the City of Wichita entered into a development agreement with WaterWalk, LLC to develop the East Bank Redevelopment District, which was established in 1995. The Development Agreement was amended in December 2003 and October 2004.

RECOMMENDED ACTION: 1) Close the public hearing; 2) approve first reading of the Ordinance authorizing the development agreement amendments and approving construction pursuant to the provisions of Charter Ordinance No. 177; 3) approve the Third Amendment to the Development Agreement, subject to the adoption of the ordinance authorizing its execution; 4) approve first reading of the home rule ordinance for the financing of the Destination Restaurant Improvements, Destination Retailer Improvements and Building C. Parking Garage Improvements; 5) set June 27, 2006 as the date for second reading and adoption of the ordinances; and 6) adopt amending bonding resolution.

38A. Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Created by congress in 2003, the SAFER grant is designed to provide funding to communities with career, volunteer and combination fire departments to "meet industry minimum standards prescribed by National Fire Protection Association (NFPA) Standards 1710 (Section 5.2.4.2-Initial Full Alarm Assignment Capability and 1720 and to attain 24-hour staffing that will provide adequate protection from fire and fire-related hazards.

RECOMMENDED ACTION: Approve the grant application; authorize the necessary signatures and approve any necessary budget transfers.

38B. IRB Amendments & Partial Purchase Option - Learjet (District V)

The City has a number of outstanding IRB Series issued to finance facilities for the benefit of Learjet from 1996 through 2005. Learjet no longer needs all of the space in its Buildings 11 and 12 and so desires to buy these buildings and an asphalt/concrete parking lot out of the IRB project and sell them to a third party.

RECOMMENDED ACTION: Approve first reading of the ordinance approving the Tenth Supplemental Trust Indenture, Tenth Supplemental Lease and Special Warranty Deed and authorize the necessary signatures.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

39. ZON2006-16-Associated with CON2006-12, Zone Change to Limited Commercial with Protective Overlay #173; conditional use for warehouse, self-service storage. Generally located at the southwest corner of Central and Garnett. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the protective overlay and approve the conditional use; withhold the publication of ordinance and implementation of resolution until the conditions of the protective overlay and conditional use are met (requires a three-fourth majority vote of the governing body); or  
2) Return the application to the MAPC for reconsideration.

40. CON2006-00022-Conditional Use for 150-foot Wireless Communication Tower on property zoned General Commercial. Generally located west of Maize Road and south of West 21<sup>st</sup> Street. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the Conditional use to permit the proposed wireless Communication facility, subject to the recommended Conditions and adopt the resolution; OR  
2. Return the application to the MAPC for reconsideration.

41. \*ZON2006-22 and CON2006-20-Zone Change from Single-family Residential to Limited Commercial and a Conditional Use to allow a car wash within 200 feet of a residential zoning district. Generally located at the northeast corner of West Kellogg Drive and south of Maize Road. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zoning change and the Conditional Use to permit a car wash, subject to platting within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance and resolution for first reading when the plat is forwarded to the City Council; OR  
2. Return the application to the MAPC for reconsideration.

42. \*SUB2005-84-Plat of Tara Falls Third Addition, located west of 127<sup>th</sup> Street East and north of Pawnee. (District II)

RECOMMENDED ACTION: Approve the documents and plat; adopt the resolutions and authorize the necessary signatures.

43. \*SUB2006-16-Plat of Emerald Bay Lift Station Addition, located south of 29<sup>th</sup> Street North and west of West Street. (District V)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures for both approval of the plat and as to the City's ownership.

44. \*VAC2006-00023-Request to vacate portions of a platted drainage easement and a utility easement dedicated by separate instrument, generally located south of 45<sup>th</sup> Street North, midway between Woodlawn Boulevard and Rock Road. (District I)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

45. \*VAC2006-00024-Request to vacate a portion of a platted easement, generally located northwest of the 29<sup>th</sup> Street North and Tyler Road intersection. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

46. \*VAC2006-00025-Request to vacate a platted easement, generally located south of 13<sup>th</sup> Street North and west of Zoo Boulevard. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

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#### HOUSING AGENDA

47. \*Grant Application for Resident Opportunities and Self Sufficiency (ROSS) Program. (District VI)

RECOMMENDED ACTION: Approve the submission of the ROSS Grant Application to the Department of HUD; authorize staff to develop a contract with Sedgwick County and authorize the necessary signatures.

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AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items

**(Item 48.)**

**48.     *\*Terminal Area Redevelopment Program, Supplemental Agreement.***

**(Item pulled per City Council/Manager)**

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CITY COUNCIL

49.     Board Appointments.

RECOMMENDED ACTION:   Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*